

REMARKS

To expedite allowance, Applicants have canceled all pending claims, and have submitted new claims 119-177. Claims 53-117 are directed to non-elected subject matter. Applicants thus reserve their right to prosecute any of these claims in a divisional patent application. The new claims are consonant with Applicants' election to the restriction requirement. More specifically, the recitations of claims 119-147 flow substantially from claims 1, 3-11 and 13-31. Claim 119 differs from claim 1, however, in that the recitations in claim 1 i.e., "or a taxane derivative as an active ingredient," "active ingredient" and "wherein the co-solubilizer reduces the viscosity of the vehicle," have been omitted to eliminate redundancy. The recitation that further defines the co-solubilizer as one "in which at least 25mg/ml of the taxane can be solubilized at about 20-25°C," is supported by the disclosure on page 11, lines 13-14. Claims 148-154 are directed to specific combinations of carriers and co-solubilizers set forth on Tables 6-8 on pages 26-28. Claims 155-174 correspond substantially to claims 32-42 and 44-52. Claim 165 differs from claim 42, however, in that the second part of the two-part medicament has been defined in accordance with the vehicle of claim 119. Claims 175-177 further define the carrier and co-solubilizer, support for which is set forth on page 10, lines 18-19 and page 20, lines 5-9. Accordingly, no new matter has been added. Accordingly, entry of the amendment is respectfully requested.

Claims 42-52 have been rejected under 35 U.S.C. §112, first paragraph, as non-enabled for "any and all vehicles". Applicants respectfully traverse the rejection.

The Examiner's attention is respectfully directed to the disclosure on pages 19-20, which explains how the claimed two-part medicament works. The statement on pages 19-20 clearly

points out that the second part of the system is the "vehicle" containing the carrier and co-solubilizer, and acts to retard precipitation and enhance oral absorption of the taxane contained in the first part of the medicament. The former recitation in claim 42, "solubilizing vehicle", is disclosed on page 19, lines 14-18. It is not meant to be synonymous with recitation "vehicle" in claim 119. Thus, to eliminate any confusion, the term "solubilizing vehicle" has been omitted from claim 165 as it was used in connection with the first part of the medicament, and the second part, in turn, has been defined in accordance with the term "vehicle" as it is used in the other claims. The change in terminology should eliminate any confusion. Reconsideration and withdrawal of the rejection are requested.

Applicants respectfully submit that the present Amendment serves to overcome the outstanding rejection and place claims 119-177 in condition for allowance. An early Notice to that effect is solicited. The Examiner is cordially invited to contact the undersigned if he has further questions.

Respectfully submitted,

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